



**CITY OF SUNNYVALE  
REPORT  
Planning Commission**

**February 13, 2006**

**SUBJECT:**           **2005-1208** - Application located at **415 East El Camino Real** in a C-2/PD (Highway Business/Planned Development) Zoning District. (APN: 211-01-029)

**Motion**           Appeal of a decision by the Director of Community Development denying a Miscellaneous Plan Permit to allow a change to the color of the roof.

**REPORT IN BRIEF**

**Existing Site Conditions**           Highway Business

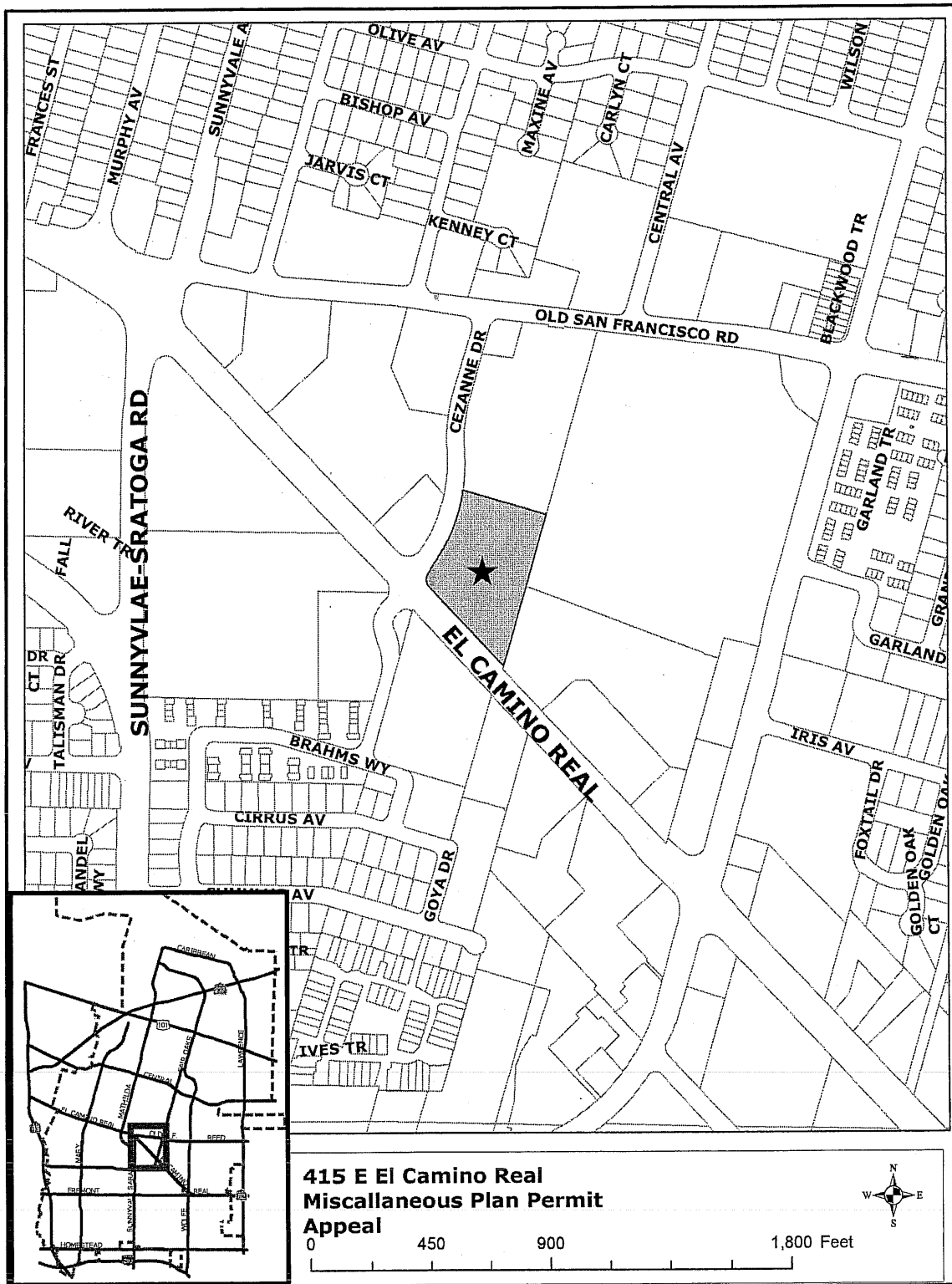
**Surrounding Land Uses**

North	High Density Residential
South	Highway Business
East	High Density Residential
West	Highway Business

**Issues**           Aesthetics

**Environmental Status**           A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**           Uphold the decision by the Director of Community Development and deny the appeal



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Commercial General Business	Same	Commercial General Business
<b>Zoning District</b>	C-2/PD	Same	C-2/PD
<b>Lot Size (s.f.)</b>	3.76 acres	Same	No min.
<b>No. of Buildings On-Site</b>	3	Same	---
<b>No. of Stories</b>	1	Same	8 max.

**ANALYSIS****Description of Proposed Project**

The Applicant has requested approval to paint the wood shake roof a shade of blue. The request is based on the color scheme being part of the red, white and blue "branding" theme for a chain of *American Diner* restaurants. The roof was painted prior to application for a permit and can be viewed on site in the color requested by the applicant.

**Background**

The Sunnyvale Municipal Code (SMC) requires a Miscellaneous Plan Permit (MPP) to "allow the determination of the dimensions, colors, materials, architectural elevations, design and placement of the physical characteristics of a project" (SMC 19.82.010). The Code requires an MPP to be approved for alterations to exterior Colors and/or materials (SMC 19.82.020.5)

The subject building is located on the southeastern portion of the property along the El Camino Real frontage.

On November 23, 2005, Neighborhood Preservation staff noted the subject site was not in compliance with City Code requirements and sent a courtesy notice regarding three issues, including painting the roof without approval through a permit. Staff met with the applicant on November 28, 2005 to verify that the first two issues had been resolved and to explain the process of obtaining an MPP for the change in roof color. On December 13, 2006, the applicant submitted an application for the MPP. The application to paint the roof of the

*American Diner Restaurant* was denied on December 22, 2005 (see Attachment D MPP Denial Letter). The denial was based on staff not making the required Finding because the strong color of the roof is not consistent with the originally approved architecture and coloring and does not match the character associated with a shake roof.

**Previous Actions on the Site:** The following table summarizes relevant previous planning applications related to the subject site.

File Number	Brief Description	Hearing / Decision	Date
1983-0276	SDP to develop retail/office space	Planning Commission /Approved	4/12/83
1983-0274	Use Permit (UP) to allow a permanent outdoor eating area	Administrative Hearing Officer /Approved	6/28/83
1978-0337	SDP to develop retail/office space	Planning Commission /Approved	1/24/78

### **Environmental Review**

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include minor modifications to existing structures.

### **Special Development Permit/Use Permit/Variance**

**Site Layout:** The site contains three buildings, one larger commercial building along the northern perimeter of the site, and two smaller buildings along the southern perimeter. The subject building is located at the southeastern section of the site fronting onto El Camino Real. The building is used as a restaurant by the *American Diner Restaurant* chain.

There are other colorful roofs in the vicinity of the building under review. The roof of the retail center location two parcels to the east of the subject site is an even brighter shade of blue; however, the roof materials are different and a shade of blue (while not anticipated to be as bright) had been approved for that roof. Across El Camino and slightly east of the site, a MacDonald's restaurant has a red roof; however, it was part of the original approval and is part of the MacDonald's branding.

**Architecture:** The roof of the subject building is wood shake, which is typically a natural brown color with wood texture. The proposed color is blue with a shiny acrylic appearance.

The building is part of a larger retail site that has subdued colors and natural color roofs. The applicant desires the new color to reflect a red, white and blue color scheme typically used on their restaurants.

Several sources of architectural policy apply to properties on El Camino Real.

<b>Guidelines</b>	<b>Comments</b>
<b>Precise Plan for El Camino Real December 20, 2005</b>	
<i>Vision Statement (excerpt) Architectural styles will emphasize the uniqueness of the site and use, and no one architectural style will predominate. "Corporate" designs, lacking in character and individual quality, will be strongly discouraged.</i>	This policy was adopted after the roof application was submitted. A blue shake roof is unique along El Camino Real. Blue tile and metal mansard roofs are used in several locations. The design of a blue roof is reflective of corporate branding, but the shake roof is unique to this site.
<b>Precise Plan for El Camino Real 1993</b>	
<i>Vision Statement (excerpt) Architectural design, site planning and landscaping will be of a high quality, although no set architectural standard will dominate.</i>	This statement is a broader statement; it was the policy in place at the time of the application, but needs to be used in concert with the following City-wide Design Guidelines.
<b>City-Wide Design Guidelines</b>	
<i>C1. Maintain diversity and individuality in style but be compatible with the character of the neighborhood.</i>	The style is individual; staff is concerned with the compatibility with the rest of the shopping center.
<i>C3. Develop a comprehensive architectural theme for multi-building complexes. Unify various site components through the use of similar design, material and colors.</i>	The blue roof is not consistent with the architectural style of other buildings on this property.

Guidelines	Comments
<b>Precise Plan for El Camino Real December 20, 2005</b>	
<i>C4. "Corporate architecture" and generic designs are not recommended. Design each project specifically with respect to its own surrounding environment.</i>	Corporate features are used elsewhere along El Camino Real, including the red metal roof on MacDonald's across El Camino Real and the recent blue wedge approved for Best Buy.

### Expected Impact on the Surroundings:

The *Community Design Sub-Element* of the Sunnyvale General Plan notes: "The view from the road affects the daily lives of Sunnyvale residents and is one of the lasting images visitors have of the City" (Chapter 4). The requested approval for the shiny blue roof is not in compliance with General Plan. Also, staff is concerned by the precedent set regarding a painted shake roof and concerned that others may use the same technique on wood shake roofs.

### Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

### Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> <li>Published in the <i>Sun</i> newspaper</li> <li>Posted on the site</li> <li>10 notices mailed to property owners and residents adjacent to the project site</li> </ul>	<ul style="list-style-type: none"> <li>Posted on the City of Sunnyvale's Website</li> <li>Provided at the Reference Section of the City of Sunnyvale's Public Library</li> </ul>	<ul style="list-style-type: none"> <li>Posted on the City's official notice bulletin board</li> <li>City of Sunnyvale's Website</li> <li>Recorded for SunDial</li> </ul>

### Conclusion

Staff is recommending upholding the decision by the Director of Community Development and denying the appeal for this project because the Findings (Attachment A) were not made. However, if the Planning Commission is able to make the required findings, staff is recommending the Conditions of Approval (Attachment B).

## **Alternatives**

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1. Uphold the decision by the Director of Community Development and deny the appeal, and require the shake to be repainted to the original dark brown color.
2. Approve the Appeal with attached conditions.
3. Approve the Appeal with modified conditions.

## **Recommendation**

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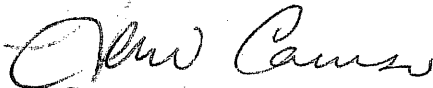
Alternative 1.

Prepared by:



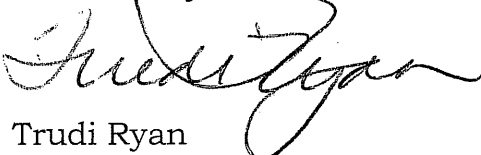
Jamie McLeod  
Project Planner

Reviewed by:



Gerri Caruso  
Principal Planner

Reviewed by:



Trudi Ryan  
Planning Officer

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### Attachments:

- A. Recommended Findings & Recommended Conditions of Approval
- B. Letters from the Applicant
- C. MPP Denial Letter
- D. Pictures of Building

**Recommended Findings – Miscellaneous Plan Permit**

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Staff could not make either Finding:

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project. The Finding is not made for the reasons listed below.

**Community Design Sub-Element.**

*Action Statement C.4.r. Review Building colors in the context of the scale of the building and avoid strong color which may be overwhelming at a larger scale.*

The building is small, compared to other buildings along El Camino Real. Staff is concerned with the brightness of the color and the loss of the natural wood look of the shake.

**Community Design Sub-Element.**

*Action Statement C.4.s. Encourage buildings where all of the design elements, such as colors, materials, style and ornamentation are unified and create cohesive, attractive and distinctive architecture.*

The repainting of the individual building was done in a coordinated fashion, and is distinctive. The color is not coordinated with the rest of the shopping center buildings.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties.

The Finding is not made because the strong color of the roof is not consistent with the originally approved architecture and coloring and is not consistent with the expected appearance and character of a wood shake roof.



**Recommended Conditions of Approval - Miscellaneous Plan Permit**

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

**1. GENERAL CONDITIONS**

- A. Project shall be in conformance with the plans approved at the public hearing. Minor changes may be approved by the Director of Community Development, major changes shall be approved at a public hearing.
- B. Roof color may be blue, but shake shall be re-painted with a flat (non-shiny) paint.

American Diner Restaurant  
415 E. El Camino Real  
Sunnyvale, C.A. 94087

To the City of Sunnyvale:

We are applying for a miscellaneous permit for American Diner Restaurant located at 415 E. El Camino Real. The permit is for painting our restaurant. The roof needs to be painted blue because the theme of our restaurant is "American" RED, WHITE & BLUE. In addition, we need to paint the building white and the trim red. Therefore, in order to follow the restaurant theme of our Sunnyvale & other locations, we need the roof painted blue, the trim painted red & the restaurant white. Also, there is no other structural change.

Sincerely,

American Diner Restaurant

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Balbir Dhillon  
American Diner  
415 East El Camino Real  
Sunnyvale, California

Planning Commission  
City Of Sunnyvale  
Sunnyvale, California

January 4, 2006

RE: Appeal for a denied application. Ref: MPP 2005-1208.

To Whom It May Concern:

I am writing this letter in response to the denial notice for Miscellaneous Plan Permit application. I would like to appeal this denial by Jamie McLeod, the Associate Planner, and would like my application to be reconsidered.

During the submission process our color scheme on the exterior of the building was mentioned and discussed. Upon submittal of the Miscellaneous Plan Permit application to the City Of Sunnyvale, we conveyed that the theme of this sit down establishment would be American pride. **American Diner** was going to utilize décor and colors that represent America and its flag. Choosing any different color or colors for the roof would deter from our theme of Red, White and Blue and impact our marketing and branding ability.

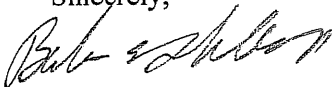
The explanation for denial of this application from the City of Sunnyvale has been due to the Blue roof. We have been told, "The view from the road affects the daily lives of Sunnyvale residents and is one of the lasting images visitors have of the City". However, in looking over and reviewing multiple buildings in the neighborhood of 415 E. El Camino Real, we see roofs painted Blue and other strong colors (Red, Green, etc.). These buildings are in the same or surrounding lots and they have not negatively impacted the daily life of Sunnyvale residents.

As a establishment that is branching out across the state (opening other locations) it is important for me to have a consistent theme that would lead to recognition. The roof of this establishment is a large part of the image and branding of American Diner. It represents our theme and the denial of this application will adversely impact our business.

It is my sincere request that you reconsidered this denial on the application "MPP 2005-1208 for painting the roof blue". If any additional information is needed, please contact me.

I thank you for your reconsideration.

Sincerely,



Balbir Dhillon